

Article - Natural Resources

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§3–108.

(a) (1) In calculating charges for water supply, wastewater purification, solid waste disposal, and energy projects, products, or services or in determining the costs to be levied against a municipality, person, or property in a service district established pursuant to this subtitle, the Service shall require that the charges reflect the full costs of providing the projects, products, or services.

(2) The charges and costs to be levied against any particular municipality, person, or property located within a service district shall take account of:

(i) Whether the property is eligible for water or sewerage service in accordance with the approved State–county master plans for water and sewerage adopted under Title 9 of the Environment Article;

(ii) The value and capacity of any existing facility transferred by the municipality or person to the Service; and

(iii) The costs and obligations assumed by the Service incidental to the transfer of the facility.

(3) To the extent deemed reasonable and practicable by the Service, charges for solid waste or wastewater purification projects or services also shall be based on but not necessarily limited to a formula reflecting the volume and characteristics of the wastes as they influence transportation, purification, final disposal, and time pattern of discharge.

(4) (i) Before establishing or adjusting charges in a service district, the Service shall publish notice of the proposed charges, at least once a week for 2 weeks, in at least one newspaper of general circulation in the municipality in which the service district is located and hold a public hearing on the proposed charges.

(ii) The published notice shall be at least 1/4 page in size, and use at least 18 point type. The notice may not be placed with legal notices or classified advertisements. The headline of the notice shall be in bold print, with all letters capitalized. The text of the notice, other than the headline, shall be in upper and lower case letters.

(iii) The charges shall become effective on the date set by the Service. The Service may, by resolution of the Board, provide that the charges are chargeable against all or part of the lots or parcels of land in the service district and constitute a first lien on such property. The resolution may establish reasonable times and methods of collection of the charges, which may be levied and collected by the Service and have the same priority and rights and bear the same interest and penalties and in every respect be treated the same as taxes of the State. The charges may be levied and collected notwithstanding the absence of a contract between the Service and the municipality, person, or property against whom the charge is imposed.

(b) If a municipality fails to pay the Service for projects or services provided pursuant to this subtitle within 60 days of the due date, as established by contract, all State funds, or that portion of them required, relating to the income tax, the tax on racing, the recordation tax, the tax on amusements and the license tax thereafter to be distributed to the municipality shall be paid by the Comptroller of Maryland directly to the Service until the amount paid to the Service is equal to the amount due the Service by the municipality.

(c) If a person fails to pay the Service for projects or services provided in accordance with this subtitle within 60 days of the due date, as established by the Service, the unpaid amount constitutes a statutory lien against the real property served, shall be referred to the Attorney General for collection, and may be collected through a tax sale.

(d) The governing body of any county may charge the Service a fee for final disposal of solid waste at any solid waste disposal project located in that county provided that any fees charged the Service are not greater than those charged other users of any solid waste disposal project.

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